

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LARYSSA JOCK, et al.,	⋮	Index No. 1:08 CV 2875 (JSR)
	⋮	
Plaintiffs,	⋮	U.S. District Judge Jed S. Rakoff
	⋮	
on behalf of themselves and	⋮	
others similarly situated,	⋮	
	⋮	
-against-	⋮	MOTION TO STRIKE
	⋮	COUNTERCLAIMS FROM THE
STERLING JEWELERS INC.,	⋮	PLEADINGS PURSUANT TO RULE
	⋮	12(f) OR, IN THE ALTERNATIVE,
Defendant.	⋮	MOTION TO DISMISS
	⋮	COUNTERCLAIMS PURSUANT TO
	⋮	RULE 12(b)(6)

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PLEASE TAKE NOTICE that Plaintiffs hereby move this Court for an Order striking the Counterclaims of Defendant Sterling Jewelers Inc. from the pleadings as reluctant, immaterial, and impertinent, or in the alternative, an Order dismissing Defendant's Counterclaims for failure to state a claim upon which relief can be granted. In accordance with the Court's instructions during the telephone conference on May 20, 2008, at which time the Court granted Plaintiffs' request for an extension until May 22, 2008 to respond to Defendant's Amended Answer and Counterclaims filed on May 20, 2008, Plaintiffs hereby serve their Notice of Motion and Memorandum of Law in Support of their Motion to Strike Counterclaims from the Pleadings Pursuant to Rule 12(f) or, in the Alternative, Motion to Dismiss Counterclaims Pursuant to Rule 12(b)(6) on May 22, 2008. Defendant is to serve its opposition papers by June 2, 2008, Plaintiffs are to serve their reply papers on the morning of June 9, 2008 with a courtesy copy of papers delivered to the Court, and a hearing is scheduled before the Honorable Jed S. Rakoff, United

States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312 on June 12, 2008 at 5:30 p.m.

Dated: May 22, 2008

Respectfully submitted,

BURR & SMITH, LLP

/s/ Sam J. Smith

Sam J. Smith, FL Bar No. 0818593
Loren L. Donnell, FL Bar No. 013429
442 W. Kennedy Blvd., Suite 300
Tampa, FL 33606-1495
Telephone: (813) 253-2010
Facsimile: (813) 254-8391
ssmith@burrandsmithlaw.com
ldonnell@burrandsmithlaw.com

Lynda J. Grant (LG-4784)
150 East 52nd Street, 30th Floor
New York, NY 10022
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
lgrant@cmht.com

Joseph M. Sellers
Jenny R. Yang (JY-9667)
Sahar F. Aziz
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
jsellers@cmht.com
jyang@cmht.com
saziz@cmht.com

Thomas A. Warren
Thomas A. Warren Law Offices, P.L.
2032-D Thomasville Blvd.
Tallahassee, FL 32308
Telephone: (850) 385-1551
Facsimile: (850) 385-6008
tw@nettally.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Stephen S. Zashin
ZASHIN & RICH CO., L.P.A.
55 Public Square, 4th floor
Cleveland, Ohio 44113
Telephone: (216) 696-4441
Facsimile: (216) 696-1618
ssz@zrlaw.com

Gerald L. Maatman, Jr.
SEYFARTH SHAW
131 South Dearborn St., Suite 2400
Chicago, IL 60603-5577
gmaatman@seyfarth.com

Attorneys for Defendant Sterling Jewelers Inc.

/s/ Sam J. Smith
Sam J. Smith